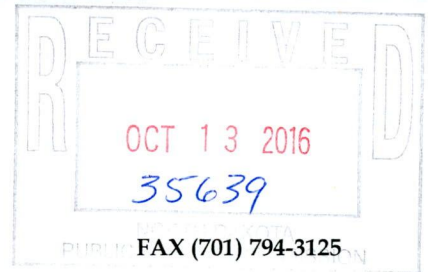




PHONE (701) 355-5588



October 12, 2016

Mr. Jim Deutsch, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Revision 39 to Permit BNCR-9702

Dear Mr. Deutsch,

This submittal contains a response to your letter to us dated October 10, 2016. In this letter you listed technical deficiencies that must be addressed before the Revision 39 application can be approved. Below is a listing of the deficiencies followed by our response:

Section 3.4 Surface Water

1. Follow-up to item No. 9 (June 28, 2016 completeness review) and item No. 3 (September 13, 2016 technical review): Acreage labels for three pre-mine and post-mine watersheds (HC-6, SBC-1, and SBC-6) on Plates 3.4-2 (Pre-Mine Watersheds) and Plate 3.4-3 (Post-Mine Watersheds), respectively, differ considerably from those listed in revised Table 3.4.3-1 (Pre-Mine/Post-Mine Watershed Comparison). The minor post-mine acreage changes to watersheds HC-3 and HC-4 associated with Minnkota's bond released bottom ash inert waste landfill closure were clearly marked in Table 3.4.3-1 and labeled consistently on Plate 3.4-3; however, pre-mine and post-mine acreage changes to watersheds HC-6, SBC-1, and SBC-6 that apparently resulted from the proposed postmine topography changes in Sections 29, 32, and 33 were neither clearly marked in Table 3.4.3-1 as requested, nor labeled consistently on Plates 3.4-2 and 3.4-3. Please identify remaining pre-mine and post-mine watershed acreage changes in Sections 29, 32, and 33 following retraction of most proposed postmine topography changes in these sections with BNI's September 21st technical review responses. Please also clearly mark any watershed acreage changes in Table 3.4.3-1 and label the acreage changes consistently on Plates 3.4-2 and 3.4-3. (RLK/WTG)

Table 3.4.3-1 was corrected. Plates 3.4-2 and 3.4-3 are correctly labeled and the mistake was within the Table in the narrative. No changes within Watersheds HC-6, SBC-1 and SBC-6 are proposed. An out of date version of Table 3.4.3-1 was inadvertently updated and placed within the Section 3.4 narrative. The correct Table

approved within Revision 38 was updated to depict the changes from Watersheds HC-3 and HC-4 and placed within the narrative.

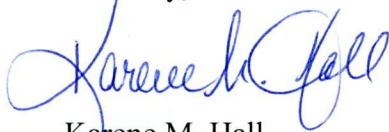
Section 4.10 Backfilling and Regrading

2. Follow-up to item No. 15 (September 13, 2016 technical review): BNI withdrew the proposed postmining topographic changes in Sections 29, 32, and 33 originally included in Revision No. 39 to allow for further analysis of the final pit closure plan of the area. However, Revision 39 proposes an additional 200 feet of disturbance along the high wall in Section 29 where coal is not going to be mined. Please do not make any changes to the currently approved mine plan in this area at this time if additional changes to the mine plan and post-mining topography will be made in a future revision. It is still not clear if the changes proposed accurately depict the disturbance necessary for the current mine plan. (GAW)

The mining disturbance boundary was reverted back to depict the boundary shown within the approved Revision 38. This change was made on Plates 3.1-1, 3.1-2, 3.4-3, 4.1-1, 4.10-1, and 4.10-2.

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,



Karene M. Hall
Permit Coordinator